

REMARKS

Claims 1-7, 29-32, and 34-40 are pending. Of these, claims 29-32 are allowed. By this Amendment, the title, and claims 1-7 and 29 are amended, claims 34-40 are added, and claims 8-28 and 33 are cancelled without prejudice to or disclaimer of the subject matter contained therein. No new matter is added.

The title is amended in response to a request by the Examiner. Support for the amendments to claims 1-7 is found in allowed claim 29 and the specification. Support for new claims 34-40 is found in paragraph [0003] and in the disclosure. Claim 29 is amended to correct an obvious error.

Applicants thank Examiner Dinh for the indication on page 11, item 15 of the Office Action that claims 29-32 are allowed.

For the following reasons, reconsideration is respectfully requested.

DOUBLE PATENTING

On page 3-5, item 6 of the Office Action, claims 1-33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 and 41 of co-pending Application No. 10/766,958.

On page 5, item 7 of the Office Action, claims 1 and 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 11, 14 and 15 of copending Application No. 11/527,685.

A duly executed Terminal Disclaimer is filed herewith. Withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. §112:

On page 7, item 8 of the Office Action, claims 7, 8, 18, 19, 31, and 32 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is moot as to cancelled claims 8, 18, 19, and 31. As to claims 7, 31 and 32, the rejection is

respectfully traversed.

It is respectfully submitted that amended claim 7 is clear. Also, it is respectfully submitted that claims 31 and 32 are clear and precise as to the scope of the claimed invention. Specifically, a specific pattern is a pit pattern or a layout of pits, for example. In other words, it is any particular arrangement of pits. A non-limiting set of examples of pit patterns are clearly shown and described in the figures and specification. Accordingly, the term "specific pattern" is clear and precise, and is apprising of the metes and bounds of claims 31 and 32. Accordingly, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. §102:

On page 7, item 11 of the Office Action, claims 1-5, and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Otsuki (U.S. Patent 5,283,779). The rejection is moot as to cancelled claim 14. As to claims 1-5, the rejection is respectfully traversed.

It is respectfully submitted that Otsuki fails to disclose or suggest an optical information storage medium, wherein the lead-in area comprises a first sub-area having a first track pitch and a second sub-area having a second track pitch other than the first track pitch, as recited in claim 1.

Otsuki is silent as to track pitches of an inner periphery area AR_{IN} (see, for example, col. 4, lines 5-37 of Otsuki). Accordingly, claim 1 is patentably distinguishable over Otsuki. Claims 2-5, which depend from claim 1, are likewise patentably distinguishable over the applied reference for at least the reasons discussed above and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

On page 9, item 13 of the Office Action, claims 6-13 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Otsuki. The rejection is moot as to cancelled claims 8-13 and 33. The rejection of claims 6 and 7 is respectfully traversed.

As discussed above, Otsuki fails to disclose or suggest each and every feature of claim 1, from which claims 6 and 7 depend. Accordingly, claims 6 and 7 are patentably

distinguishable over the applied reference to Otsuki for at least the reasons discussed above, and for the additional features they recite.

Withdrawal of the rejection is respectfully requested.

On page 9, item 14 of the Office Action, claims 15-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Otsuki. The rejection of cancelled claims 15-28 is moot.

NEW CLAIMS:

New claims 34-40 are added. Consideration and allowance are respectfully requested.

ALLOWABLE SUBJECT MATTER:

On page 11, item 15 of the Office Action, claims 29-32 are indicated as allowed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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